

Chapter 61 – Building and Utility Construction:

Existing -

§ 61-2. Violations and penalties.

A violation of the provisions of this article, or the failure to comply with any of its requirements, shall constitute a misdemeanor, and said violation shall be a continuing one, in the event that it occurs on more than one day. Upon conviction of any single charge, which may encompass and include each day of violation up to and including the date of conviction, a violator shall be subject to a fine of \$100 for each day the violation occurs. The owner or tenant of any building, structure, premises or any part thereof, and any architect, builder, contractor, agent for one of the aforementioned persons or any other person who knowingly commits, furthers, participates in, assists in, or maintains such violation may be separately convicted and be subject to the same penalties provided herein. Nothing in this section shall be construed to prevent or otherwise prohibit the prosecution of the same violation occurring on a date subsequent to the conviction. In addition, the **Town Council** may institute appropriate proceedings to restrain or enjoin further construction in violation of this article and/or proceedings to abate any violation, and to require the removal of the violation. In this event, the **Town Council** shall be entitled to collect from the offending party or parties the **Council's** reasonable legal fees and court costs, as a part of any judgment or award in a civil action brought to restrain or enjoin a violation. The civil remedies are in addition to, and not in place of, the criminal penalty provided herein.

Proposed –

Eliminate **"Town Council"** and **"Council"** and replace with **"Town"**.

Move existing **§ 61-2. Violations and penalties** to end of Article I.

Renumber remaining sections of Chapter.

Existing –

§ 61-3. Application for permit or clearance.

- D. The estimated cost of the work.

Proposed –

- D. The estimated cost of the work **based upon a signed contract.**

Existing –

§ 61-5. Revocation of permits.

The **Town Council** shall have the power to cancel and revoke any such permit for any material departure from the approved application, plans and specifications, and also for any false statement or misrepresentation as to any material fact relating to the erection, construction, alteration, removal, demolition, use or occupancy of such building or structure, or addition thereto.

Proposed –

Eliminate **"Town Council"** and replace with **"Town"**.

REPLACE EXISTING § 61-10 IN ENTIRETY:

§ 61-10. Information required before issuance of permit.

The following data, all or in part, as appropriate, shall be required before the issuance of a building permit.

- (1) A plot survey by a registered engineer or registered land surveyor.*
- (2) A survey showing the elevation of the lot and crown of the road or a curb over mean sea level.*
- (3) A plot plan showing the size of the building and/or all improvements and lot line setbacks therefrom.*
- (4) An elevation drawing showing the height of the building from the crown of the road or curb and the elevation of the first floor level.*
- (5) A floor plan print.*
- (6) A signed statement of intent (State Highway Department and State Water and Air Resource Commission).*
- (7) A county building permit.*
- (8) The requirements of Chapter 88, Flood Damage Prevention, must be met.*
- (9) A signed waiver concerning flood insurance.*
- (10) Where modification of an existing building will increase the building's dimensions in any direction, before and after outline drawings of the effected portions of the building.*
- (11) Construction on the east side of Bunting Avenue must have a permit from the Shoreline and Waterway Management Section of the DNREC.*

ADD NEW SECTION AT END OF CHAPTER 61, ARTICLE II -

§ 61-17. Violations and penalties.

A violation of the provisions of this article, or the failure to comply with any of its requirements, shall constitute a misdemeanor, and said violation shall be a continuing one, in the event that it occurs on more than one day. Upon conviction of any single charge, which may encompass and include each day of violation up to and including the date of conviction, a violator shall be subject to a fine of \$100 for each day the violation occurs. The owner or tenant of any building, structure, premises or any part thereof, and any architect, builder, contractor, agent for one of the aforementioned persons or any other person who knowingly commits, furthers, participates in, assists in, or maintains such violation may be separately convicted and be subject to the same penalties provided herein. Nothing in this section shall be construed to prevent or otherwise prohibit the prosecution of the same violation occurring on a date subsequent to the conviction. In addition, the Town may institute appropriate proceedings to restrain or enjoin further construction in violation of this article and/or proceedings to abate any violation, and to require the removal of the violation. In this event, the Town shall be entitled to collect from the offending party or parties the Town's reasonable legal fees and court costs, as a part of any judgment or award in a civil action brought to restrain or enjoin a violation. The civil remedies are in addition to, and not in place of, the criminal penalty provided herein.

EXISTING:

§ 61-18. Violations and penalties.

B. Any person violating any provision of the article shall, upon conviction therefor, be fined not less than \$100 nor more than \$300 for each and every offense and shall pay the cost of prosecution and the appropriate Victim's Compensation Fund assessment. Each failure to comply with any of the requirements of this article and/or each and every day during which such violation continues shall constitute a separate offense.

PROPOSED:

§ 61-18. Violations and penalties.

B. Any person violating any provision of the article shall, upon conviction therefor, be fined \$100 for each and every offense and shall pay the cost of prosecution and the appropriate Victim's Compensation Fund assessment. Each failure to comply with any of the requirements of this article and/or each and every day during which such violation continues shall constitute a separate offense.

Posted: July 25, 2011